

FISCAL NOTE

SB 2371 - HB 3113

March 19, 2004

SUMMARY OF BILL: Establishes provisions governing the appointment and duties of judicial officers that would apply statewide except in counties with a metropolitan form of government as follows:

- Each county legislative body may initially appoint one judicial commissioner whose duties would include: 1) issuance of warrants and bonds; 2) appointment of attorneys for indigent defendants; and 3) issuance of injunctions as directed by the general sessions court judges. Only licensed attorneys would be eligible for appointment as a judicial commissioner.
- The county legislative body would determine the initial term of office and set compensation for a judicial commissioner.
- Annually, the county legislative body would conduct a hearing to evaluate the effectiveness of the program of judicial commissioners and submit a report to the General Sessions Court and the chairs of the Judiciary Committees of the Senate and House of the General Assembly. Currently, judicial commissioners are not required to be licensed attorneys and are not authorized to appoint counsel for indigent defendants.

ESTIMATED FISCAL IMPACT:

Increase Local Govt. Expenditures - Exceeds \$100,000/Permissive

Other Fiscal Impact - The requirement that a judicial commissioner be a licensed attorney may disqualify some currently serving and may limit the ability of smaller counties to appoint a judicial commissioner. Allowing the judicial commissioner to appoint counsel for indigent defendants conflicts with Tennessee Supreme Court Rule 13 and the administration of the Indigent Defense Fund.

Estimate assumes that to the extent local governments adopt the provision and appoint judicial commissioners, such appointments will result in an increase in local government expenditures exceeding \$100,000.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director